

United States Government

Department of Energy
Oak Ridge Operations Office

memorandum

DATE: May 4, 1999

REPLY TO

ATTN OF: AD-442:Aytes

SUBJECT: **COMPENSATORY TIME PAYMENT AND USE**

TO: All ORO Employees

In September 1996, we informed you that Headquarters had made a change to the Department of Energy (DOE) policy regarding compensatory time to mandate that compensatory time not used within 26 pay periods of the date earned be forfeited. Prior to this change, DOE O 3550.1A provided that employees exempt from the Fair Labor Standards Act would be compensated for compensatory time earned but not used within 26 pay periods. Since the change was not mandated by a change in law or government regulation, Oak Ridge Operations (ORO) requested an exemption from the new policy in accordance with our negotiated agreement with the Office and Professional Employees International Union (OPEIU). Headquarters did not approve our request and implemented the change in the payroll system.

The American Federation of Government Employees Union, representing employees at the DOE Western Area Power Administration, filed an Unfair Labor Practice charge with the Federal Labor Relations Authority (The Authority). The Authority determined that DOE Headquarters did not have the authority to make such a change on a Department-wide basis without providing labor unions with an opportunity to negotiate.

In light of the decision by The Authority, ORO Management and OPEIU have reached an agreement that will **allow both exempt and nonexempt employees to receive payment for compensatory time not used within 26 pay periods. This change was made effective in the payroll system on April 25, 1999.**

The agreement provides that ORO and the Office of Scientific and Technical Information will revert to the policy regarding payment for unused compensatory time off contained in DOE Order 3550.1A. In addition, we are currently reviewing payroll records to determine which employees may have been adversely impacted by the revised policy in place between September 1996 and April 1999. We will contact those employees individually.

ORO requirements for advance approval of overtime and compensatory time will continue. The present procedures for requesting and justifying overtime and compensatory time will not change (i.e., requests must be submitted through the Human Resources Division).

A copy of the Settlement Agreement between ORO and OPEIU is attached. I believe this agreement serves the best interests of employees and ORO, and I appreciate OPEIU's participation in reaching resolution of the issues.

James C. Hall
Manager

Attachment